

The Examiner has rejected Claims 13 and 24 under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. (WO 97/49394) in view of Pool et al. (1998).

Wagner on page 5, lines 1-6, lists numerous binders that may be included in the valsartan compositions. The amount of binder is stated on page 5, lines 20-22, as being from 10 to 45%, e.g. 20 to 30%. It is noted that microcrystalline cellulose is listed among other binders. It is further noted that Wagner provides three examples. In Examples 1 and 2, microcrystalline cellulose is used in an amount of 21%. In Example 3, microcrystalline cellulose is not used.

As stated in applicants' specification, as originally filed, on page 24, lines 13-15, after exhaustive testing, applicants determined that increasing the amount of microcrystalline cellulose to greater than 30%, improves the bioavailability of solid formulations. While Wagner describes a broad range for binders, Wagner clearly teaches in the examples that when the binder is microcrystalline cellulose, the amount of binder is 21%. Thus, the amount of microcrystalline cellulose taught by Wagner is 1/3 less than the amount required by applicants.

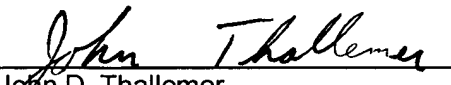
Pool describes treating patients with valsartan in doses of 10, 20, 40, 80, 160, and 320 mg once daily. However, Pool fails to teach or suggest any other ingredients other than valsartan. Since the Examiner only refers to an abstract of Pool, a complete copy of the Pool reference is attached hereto for the Examiner's convenience.

Thus, combining the teachings of Wagner and Pool would not lead one skilled in the art to increase the amount of microcrystalline cellulose to greater than 30%, in order to increase the bioavailability of valsartan formulations, as claimed by applicants.

Applicants respectfully request that the rejection of the claims under 35 U.S.C. §102(a) and 103(a) be withdrawn, and that pending claims 7-14 and 17-24 be passed to allowance.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(862) 778-7945


John D. Thallemer
Attorney for Applicants
Reg. No. 34,940

Date: April 21, 2003